



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 19, 2022

TO: Mayor and Councilmembers

FROM: Engineering Division, Public Works Department
Planning Division, Community Development Department

SUBJECT: Adoption Of Final Mitigated Negative Declaration And Award Of Contract For Architecture And Design Services For The Police Station Project (Resolution; Contract)

RECOMMENDATION: That Council:

- A. Adopt, by reading of title only, a Resolution of the Council of the City of Santa Barbara Adopting the Final Mitigated Negative Declaration for the Police Station Project, Making the Required Environmental Review Findings, Designating the Cota Commuter Lot at 601 Santa Barbara Street as the final location for the Police Station Project, and Directing the Filing of a Notice of Determination; and
- B. Authorize the Public Works Director to execute a City Professional Services contract with Cearnal Collective, LLP in the amount of \$4,564,111 for design services for the Police Station Project, and approve expenditures of up to \$368,763 for extra services that may result from necessary changes in the scope of work.

EXECUTIVE SUMMARY:

A Draft Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the proposed Police Station Project (Project). The Draft MND was available for public review during the 30-day comment period and was reviewed at a public hearing held by the Planning Commission. Mitigation measures to reduce potentially significant impacts to less than significant levels were identified. The Final MND concludes that no significant environmental impacts would result from the Project. With Council's adoption of the Final MND, the Project is ready to advance into the final phase of architectural and design services. The recommended contract with Cearnal Collective, LLP (Cearnal) includes the scope of work, divided into sub-phases, for the remainder of the Project through construction. Each sub-phase has a budget, schedule, and deliverables, and the City of Santa Barbara (City) will authorize each sub-phase prior to initiating work. The initial authorization and encumbrance of funds in Fiscal Year 2023 for the first sub-phase, Phase 4.1, for the recommended Cearnal contract is \$1,721,423.80.

DISCUSSION:

Project Description

The Project consists of the demolition of the existing Cota Commuter Lot at 601 Santa Barbara Street (formerly 119 East Cota Street) and the construction of a new three-story, approximately 53-foot-tall, approximately 64,000-square-foot Police Station building, and the associated 37.5-foot-tall, approximately 84,000-square-foot parking structure to accommodate 236 parking spaces, with 128 spaces for Police Department fleet vehicles and 108 spaces for employee vehicles. Each structure will have a subterranean level. Emergency service antennas will be installed on the roof of the parking structure. Eight additional vehicle surface parking spaces and four bicycle parking spaces will be provided for visitors. Grading includes 22,000 cubic yards of export. A total of 23 Tipuana tipu trees and 12 oak trees will be removed; 9 Tipuana tipu trees will be protected. The existing Metropolitan Transit District bus stop shelter on Cota Street will be relocated further down Cota Street. The existing plaques commemorating the old Lincoln School will also be relocated and incorporated into the Project.

Background

On June 25, 2018, a Professional Services Agreement (PSA) was executed with Cearnal for Phase 1 for Programming and Data Synthesis, as part of the Project's Site Selection process. A second PSA with Cearnal was executed on August 14, 2018, for Phase 2 for Site Analysis and Site Selection. On September 17, 2019, City Council selected the Cota Commuter Lot as the preferred site for environmental review for the Project and directed staff to initiate environmental review and conceptual project design. The First Amendment to the design contract was subsequently executed on October 29, 2019, for Phase 3 of the Project for Conceptual Design, Schematic Design and Development Application Review Team (DART) application preparation. Cearnal prepared the drawings and submittal package and the proposed Project was reviewed by the City's Pre-Application Review Team in December 2019. On March 17, 2020, Council designated the proposed Project as a Community Priority Project. Obtaining this designation allowed the Project to move forward to request a height exception from the Planning Commission. The proposed Project was again reviewed by the Pre-Application Review Team in November 2020. On March 18, 2021, the Planning Commission held a conceptual review hearing on the Project and granted the height exception. The Project received three rounds of review by Land Development Team staff and was reviewed by the Architectural Board of Review on four occasions.

Environmental Review

The California Environmental Quality Act (CEQA) provides that a Negative Declaration or MND shall be prepared if all environmental impacts of the Project can be clearly determined to be less than significant or mitigated to less than significant levels with project refinements or other mitigation measures, and if the Project applicant has agreed to all mitigation measures identified in the MND needed to avoid or reduce potentially

significant impacts. The preparation of an Environmental Impact Report (EIR) is for analysis of impacts that are significant, or are unknown and potentially significant, including identifying any feasible mitigation measures or project alternatives to avoid significant impacts or reduce them to less than significant levels. The CEQA Guidelines Section 15382 define a significant effect on the environment as, “a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the Project.”

Staff prepared an Initial Study based on extensive technical studies prepared by consultants within their respective areas of expertise. It was determined that a MND was the appropriate environmental document because the analysis demonstrated that the Project’s effects on the environment would be less than significant or mitigated to less than significant levels with measures agreed-to by the applicant.

Mitigation measures were identified and agreed-to by the applicant for the following issue areas to reduce potentially significant short-term construction and long-term operational impacts to less than significant levels:

Short-Term Construction-Related:

- Air quality (requires heavy-duty diesel-powered construction equipment to be equipped with Tier 4 Final or better diesel engines to reduce emissions of diesel particulate matter);
- Biological resources (requires a pre-construction survey and buffer zone if active nests are found to reduce impacts to nesting birds; requires 44 new trees be planted offsite, and requires tree protection measures for remaining trees, to be consistent with the Climate Action Plan, Tree Preservation Ordinance, and reduce impacts to trees);
- Cultural resources (requires awareness training for construction workers, requires monitoring by archaeologist, and implementation of the limited data recovery plan to reduce impacts to historic resources);
- Geology and soils (requires adherence to final geotechnical report and consistency with the Essential Services Buildings Seismic Safety Act to reduce seismic ground shaking impacts; requires consideration of anchor tie-backs to reduce impacts to adjacent buildings and right of ways; requires a dewatering permit and monitoring to reduce impacts related to shallow groundwater; requires removal of uncertified/non-engineered fill to reduce long term ground stability impacts; and requires monitoring to reduce impacts to any undiscovered paleontological resources);
- Hazards and hazardous materials (requires proper disposal of soils with elevated levels of arsenic and requires preparation of a Soil Management Plan to provide guidance if contaminated soil is found to reduce impacts related to hazardous materials);
- Noise (requires installation of temporary barriers, a vibration mitigation program, and coordination with neighbors to reduce noise impacts to neighboring uses);

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- Public services and utilities (requires a Solid Waste Management Plan to increase the diversion rate to 85% to reduce short-term solid waste impacts); and
- Water quality (requires monitoring of groundwater dewatering discharges and requires that storm water management features operate under high groundwater conditions to reduce impacts to groundwater quality and quantity).

Long-Term Operational-Related:

- Noise (requires noise barriers around emergency generators and requires passive, dissipative sound attenuation features in the building to reduce noise impacts from stationary sources, including emergency generators and firing range);
- Public services and utilities (requires a Solid Waste Management Plan to reduce the amount of solid waste going to the landfill to less than 40 tons per year to reduce long-term operational solid waste disposal impacts); and
- Water quality (requires monitoring of groundwater dewatering discharges if long-term dewatering is required to reduce impacts to groundwater).

The mitigation measures are provided in the attached Mitigation Monitoring and Reporting Program (MMRP).

A notice of the Draft MND's document availability, 30-day public comment period (May 13 to June 12, 2022), and public hearing date for the Planning Commission was mailed to surrounding property owners, interested parties, organizations, and agencies, and was also provided via newspaper notice. The Draft MND was also submitted to the State clearinghouse for review by State agencies and published online on the City's website.

A public hearing by the Planning Commission was held on June 2, 2022, to receive comments on the Draft MND pursuant to Municipal Code § 22.100.110. No one from the public wished to speak during the hearing, and two written comments were received. Planning Commissioners provided comments, which are reflected in the minutes from the meeting. During the 30-day public comment period, one additional letter was received from the public, and one letter was received from the Santa Barbara County Air Pollution Control District.

All letters received, as well as the Planning Commission minutes, are attached to the Final MND. CEQA does not require specific written responses to comments; however, staff prepared a general response to comments section, which is also attached to the Final MND. Based on comments received, some additions and clarifications have been made to the MND. The comments received presented no substantial evidence to indicate that the Project would have a significant effect on the environment and no additional mitigation measures were required in order to reduce an environmental effect to a level of less than significant. Adoption of the Final MND is required under Municipal Code § 22.100.120 C prior to Council making a final site selection for the Project and taking action on the Professional Services contract with Cearnal, which would allow the Project to move into the final phase of architectural and design services, as further described below.

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In order to adopt the Final MND, the following findings must be made per CEQA Guidelines Section 15074:

1. The City Council has considered the proposed Final Mitigated Negative Declaration together with comments received during the public review period process.
2. The City Council finds on the basis of the whole record before it (including the Initial Study and comments received) that there is no substantial evidence that the Project will have a significant effect on the environment.
3. The City Council finds that the Final Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.
4. The City Council finds that the Final Mitigated Negative Declaration has been prepared in compliance with CEQA, and constitutes adequate environmental evaluation for the proposed Project.
5. A Mitigation Monitoring and Reporting Program for measures required in the Project or made a condition of approval to mitigate or avoid significant environmental effects has been prepared.
6. The location and custodian of the documents or other materials which constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, 630 Garden Street, Santa Barbara, California.

These findings are incorporated into the recommend Resolution, which also adopts the Final MND, selects the Cota Lot as the Project location, and directs the filing of a notice of determination, completing the CEQA process for the Project. After adoption of the Final MND, the Project would proceed to the Planning Commission for consideration of the Development Plan approval and then to the Architectural Board of Review for consideration of Project Design and Final approvals.

The Draft MND was previously distributed to the Council. The Final MND is available online at:

<https://santabarbaraca.gov/services/construction-land-development/development-activity/environmental-documents/police-station>

Project Phases

With Council's adoption of the Final MND and final site selection, this Project is now ready to move into the final phase (Phase 4) of architecture and design services. The recommended contract with Cearnal consists of four sub-phases: 4.1 Design Development Drawings (DD's), 4.2 Construction Drawings (CD's), 4.3 Bidding and Negotiation (BN), and 4.4 Architectural Design Services During Construction (ADSDC).

Each sub-phase has a budget, schedule, and deliverables, and the City will authorize each sub-phase prior to initiating work. The DD, CD, and BN sub-phases are fixed fee, and ADSDC is time and materials with a not to exceed amount. The contract with Cearnal as the Architect of Record includes all architecture and engineering subcontractors.

There are multiple phases in the design of this Project, each with its own budget, deliverables, and schedule. The first three phases of architecture and design services with Cearnal are completed, and this final Phase 4 contract will include the scope of services for the remainder of the Project, through construction, as outlined in Exhibit A of the contract. Cearnal's contract includes subcontractors/sub consultants for Civil Engineer, Interior Architect, Structural Engineer, Mechanical-Electrical-Plumbing Engineer, Energy Modeling/Sustainability, Information and Communication Technology, Landscape Architecture, Waterproofing, Acoustical Engineer, Specification Writer, Door Hardware, and an allowance for a Detention Equipment Consultant.

Design Phase Consultant Engineering Services

Staff recommends that Council authorize the Public Works Director to execute a contract with Cearnal, in the amount of \$4,564,110.55 for Phase 4 architectural and design services, and \$368,762.80 for potential extra services, more specifically defined as Design Contingency, for a total amount of \$4,932,873.35. Cearnal is the Architect of Record for this Project and was selected through a competitive RFP process. Cearnal has successfully completed Phases 1 – 3 and is very experienced in this type of work.

BUDGET/FINANCIAL INFORMATION:

Sufficient funds for Project Phases 4.1 and 4.2 have been appropriated to the Project in the Fiscal Year 2023 Adopted Measure C Capital Budget. Project design costs for subsequent Phases 4.3 and 4.4 are included in the proposed contract with Cearnal Collective, LLP and will be funded in future fiscal year budgets and/or through a future bond measure (as shown in the Fiscal Year Breakdown table below).

The proposed initial encumbrance for Phase 4.1 of the Cearnal contract is \$1,721,423.80, which includes \$1,417,372.75 for the Design Development drawings, plus a 10 percent Design Contingency of \$130,248.90. An additional 10 percent Design Contingency (extra services allowance) of \$130,248.90 is being carried by the City and will be encumbered with the Phase 4.1 contract. The contract also includes anticipated reimbursable expenses, which have been divided equally between the four sub-phases. Subsequent sub-phases are included in the proposed contract, as mentioned directly above, and will be authorized by the City in writing upon future budget appropriations, as shown in the Fiscal Year Breakdown table below.

The following tables summarize all estimated total Project costs.

ESTIMATED TOTAL PROJECT DESIGN COST

The following summarizes all estimated total Project Design costs by Cearnal:

Phase 1	Programming and Data Synthesis (complete)	\$34,999.00
Phase 2	Site Analysis and Site Selection (complete)	\$194,700.00
Phase 3	Concept Design, Schematic Design and DART Application (30% Drawings) (complete)	\$658,048.00
Phase 1 – 3: Subtotal (complete)		\$887,747.00
Phase 4.1	Design Development	\$1,417,372.75
	Cearnal Design Contingency (10 percent)	\$130,248.90
	City Contingency (10 percent)	\$130,248.90
	Reimbursable Expenses (T & M)	\$43,553.25
	<i>Phase 4.1 Subtotal</i>	\$1,721,423.80
Phase 4.2	Construction Documents	\$1,355,942.50
	Cearnal Design Contingency (10 percent)	\$123,564.20
	City Contingency (10 percent)	\$123,564.20
	Reimbursable Expenses (T & M)	\$43,553.25
	<i>Phase 4.2 Subtotal</i>	\$1,646,624.15
Phase 4.3	Bidding and Negotiation	\$87,385.50
	Cearnal Design Contingency (10 percent)	\$8,011.30
	City Contingency (10 percent)	\$8,011.30
	Reimbursable Expenses (T & M)	\$43,553.25
	<i>Phase 4.3 Subtotal</i>	\$146,961.35
Phase 4.4	ADSDC (T & M - Not to Exceed)	\$1,160,434.00
	Cearnal Design Contingency (10 percent)	\$106,938.40
	City Contingency (10 percent)	\$106,938.40
	Reimbursable Expenses (T & M)	\$43,553.25
	<i>Phase 4.4 Subtotal</i>	\$1,417,864.05
Phase 4 Subtotal		\$4,932,873.35
Total Design Cost		\$5,820,620.35

Fiscal Year Breakdown (Design only)	
FY 2018 - 2022 (Complete)	\$887,747.00
FY 2023 (Phases 4.1 and 4.2)	\$3,368,047.95
FY 2024 (Phases 4.3 and 4.4)	\$250,000.00
FY 2025 (Phase 4.4)	\$657,412.70
FY 2026 (Phase 4.4)	\$657,412.70
TOTAL	\$5,820,620.35

ESTIMATED TOTAL PROJECT CONSTRUCTION COST

The following summarizes the Project's pre-final design, estimated construction costs. Detailed cost estimating and a cost escalation analysis will take place concurrently with sub-phases 4.1 and 4.2. The projected costs below are for the completion of the Police Station, but do not include future ownership costs to include: maintenance, preventative maintenance, or contractual obligations for the operations of the building and property. Identification and allocation of these costs will be determined once the cost for the specific scopes of work are determined.

Projected Construction Costs	\$80,000,000
Projected Total Soft Costs	\$12,000,000
<i>Total Estimated Construction Cost</i>	\$92,000,000

SUSTAINABILITY IMPACT:

City Resolution 07-018 requires that new City building construction be designed and constructed to achieve a Leadership in Energy and Environmental Design (LEED) Silver classification or, where LEED is not applicable for the Project, another green building program certification level that is contingent on the building type. Resolution 07-018 also requires new building construction and major renovations for City owned and operated buildings be designed to exceed State Title 24 Energy Requirements by 20 percent. In addition, the City's General Plan calls for the inclusion of solar energy to help meet the energy demand for the structure. Lastly, Council Resolution 17-043 commits the City to 100 percent renewable electricity by 2030. The Project, which is pursuing a zero net energy building design, is consistent with these goals.

A copy of the contract may be requested from the Public Works Department for public review by contacting PWInfo@SantaBarbaraCA.gov.

ATTACHMENT: Mitigation Monitoring and Reporting Program

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